



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of: John E. Holland et al.
Serial No.: 10/075,786
Filed: February 13, 2002
Confirmation No.: 9809
For: **PROTECTIVE COVER**

Examiner: William H. Mayo, III
Group No.: 2831

Assistant Commissioner for Patents
P.O. Box 1450
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Sir:

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APPLICANT'S TERMINAL DISCLAIMER

Responsive to the Notification of Non-Compliance with 37 CFR 1.192(c) dated October 22, 2003, Applicant herewith submits a Terminal Disclaimer To Obviate a Provisional Double Patenting Rejection Over Pending Application Number 09/860,423, filed on May 18, 2001. Additionally, a check for the terminal disclaimer fee of \$55.00 under 37 CFR 1.20(d) is enclosed. Filed contemporaneously herewith is Applicant's revised Appeal Brief pursuant to 37 CFR 1.192.

Respectfully submitted,

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Date: October 30, 2003

File No.: 3781-022 (0024.1)

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TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING
TRANSACTION OVER A PENDING SECOND APPLICATION

Docket Number (Optional)

3781-022 (24.1)

In re Application of: John E. Holland et al.

Application No.: 10/075,786

Filed: February 13, 2002

For: PROTECTIVE COVER

The owner*, John E. Holland, et al., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 09/860,423, filed on May 18, 2001, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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2. The undersigned is an attorney or agent of record.


10-30-03

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Date

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C. Robert Rhodes, Reg. No. 24,200

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336-574-8040

Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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